

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

George Parker And Betty Parker

Case No. 07-80859

Chapter 13

Social Security No. xxx-xx-3274 and xxx-xx-3139
Address: 7 Chanter Court, Durham, NC 27705-

Debtors

MOTION TO MODIFY PLAN

NOW COME the Debtors, by and through counsel undersigned, who move, under authority of 11 U.S.C. § 1329, to modify the Chapter 13 plan in this case, and in support hereof, the Debtors show unto this Court the following:

1. This case was filed on June 19, 2007, with the Chapter 13 plan being subsequently confirmed on September 4, 2007.
2. The Debtors propose to modify the Chapter 13 plan in this case in the following respects:

From: \$1,980.00 per month.
To: \$1,980.00 per month through July 2011, followed thereafter by \$1,749.00 per month, starting in August 2011.
3. The changed circumstances that justify the proposed modification are as follows:
 - a. The Male Debtor lost his job in March 2011.
 - b. The Male Debtor needs significant dental work, including upper and lower dentures.
 - c. The Female Debtor is employed on a week-by-week basis only.
4. An Amended Schedule I for the Debtors is attached hereto and is incorporated hereto by reference.
5. An Amended Schedule J for the Debtors is attached hereto and is incorporated by reference.
6. The proposed modification conforms to the standards of confirmation set out in 11 U.S.C. §§ 1322 and 1325. This modification is feasible because of the following changes, as detailed on the attached Chapter 13 Worksheet:
 - a. Change in length of plan.
 - b. Filed claims different from schedules.
 - c. Change in equal monthly payment to Citifinancial from \$474.49 to \$279.00.

Appended Application for an Additional Attorney Fee

7. Counsel for the Debtors further applies herein, in accordance with Bankruptcy Rule 2016(b), for approval an attorney fee in the amount of \$250.00 to pay for the reasonable value of the services rendered, and to be rendered, with respect to this motion to modify.
8. Counsel for the Debtors further applies herein, in accordance with Bankruptcy Rule 2016(a), for approval reimbursement for the cost of mailing this Motion to all parties in interest in the amount of \$0.50 per motion for twenty-five (25) creditors, or total expenses of \$12.50.

WHEREFORE, the Debtors pray that this Court grant their Motion, and modify the Chapter 13 plan accordingly. In addition, counsel undersigned requests that this Court approve a fee in the amount of \$262.50 to compensate undersigned for the services rendered or to be rendered with respect to this motion, said fee to be paid by the Chapter 13 Trustee as an administrative claim in this case.

Dated: August 2, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward C. Boltz

Edward C. Boltz
North Carolina State Bar No.: 23003
6616-203 Six Forks Road
Raleigh, N.C. 27615
(919) 847-9750

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In Re:
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Address: 7 Chanter Court, Durham, NC 27705-

Debtors

CERTIFICATE OF SERVICE

I, Dawn DeFrane, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on August 2, 2011 , I served copies of the foregoing **MOTION TO MODIFY PLAN** electronically, or when unavailable, by regular first-class U.S. mail, addressed to the following parties:

Richard M. Hutson, II
Chapter 13 Trustee
Michael West
U.S. Bankruptcy Administrator

George Parker And Betty Parker
7 Chanter Court,
Durham, NC 27705-

All creditors with duly filed claims as listed on the attached Report of Claims Filed at the addresses listed thereon.

/s Dawn DeFrane
Dawn DeFrane

In re **George Douglas Parker**
Betty JoAnn Parker

Case No. **07-80859**

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):
Married	None.	
Employment:	DEBTOR	SPOUSE
Occupation	Unemployed	Lead
Name of Employer		Flextronics, Inc
How long employed	3/2011	25 years
Address of Employer		1178 Telecom Drive Creedmoor, NC 27522

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)
2. Estimate monthly overtime

3. SUBTOTAL

DEBTOR	SPOUSE
\$ <u>0.00</u>	\$ <u>3,417.83</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ 0.00	\$ 3,417.83

4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other (Specify): 401k Loan

\$ <u>0.00</u>	\$ <u>371.13</u>
\$ <u>0.00</u>	\$ <u>100.16</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>1,275.54</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ 0.00	\$ 1,746.83
\$ 0.00	\$ 1,671.00

6. TOTAL NET MONTHLY TAKE HOME PAY

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

7. Regular income from operation of business or profession or farm (Attach detailed statement)

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

8. Income from real property

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

9. Interest and dividends

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

11. Social security or government assistance

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

(Specify): _____

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ 1,035.66	\$ 0.00
\$ 0.00	\$ 0.00

12. Pension or retirement income

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

13. Other monthly income

\$ <u>1,035.66</u>	\$ <u>0.00</u>
\$ 0.00	\$ 0.00
\$ 1,035.66	\$ 1,671.00
\$ 2,706.66	

(Specify): Unemployment

14. SUBTOTAL OF LINES 7 THROUGH 13

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15; if there is only one debtor repeat total reported on line 15)

In re **George Douglas Parker**
Betty JoAnn Parker

Case No. **07-80859**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

- Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>0.00</u>
a. Are real estate taxes included? Yes <u> </u> No <u>X</u>	
b. Is property insurance included? Yes <u> </u> No <u>X</u>	
2. Utilities:	
a. Electricity and heating fuel	\$ <u>128.00</u>
b. Water and sewer	\$ <u>46.00</u>
c. Telephone	\$ <u>39.66</u>
d. Other <u>See Detailed Expense Attachment</u>	\$ <u>79.32</u>
3. Home maintenance (repairs and up keep)	\$ <u>0.00</u>
4. Food	\$ <u>150.00</u>
5. Clothing	\$ <u>50.00</u>
6. Laundry and dry cleaning	\$ <u>0.00</u>
7. Medical and dental expenses	\$ <u>0.00</u>
8. Transportation (not including car payments)	\$ <u>120.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ <u>0.00</u>
10. Charitable contributions	\$ <u>15.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)	
a. Homeowner's or renter's	\$ <u>85.00</u>
b. Life	\$ <u>0.00</u>
c. Health	\$ <u>0.00</u>
d. Auto	\$ <u>165.68</u>
e. Other	\$ <u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) <u>Personal Property Taxes</u>	\$ <u>29.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	
a. Auto	\$ <u>0.00</u>
b. Other	\$ <u>0.00</u>
c. Other	\$ <u>0.00</u>
d. Other	\$ <u>0.00</u>
14. Alimony, maintenance, and support paid to others	\$ <u>0.00</u>
15. Payments for support of additional dependents not living at your home	\$ <u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ <u>0.00</u>
17. Other <u>See Detailed Expense Attachment</u>	\$ <u>1,799.00</u>
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$ <u>2,706.66</u>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: <u>None Anticipated</u>	
20. STATEMENT OF MONTHLY NET INCOME	
a. Average monthly income from Line 15 of Schedule I	\$ <u>2,706.66</u>
b. Average monthly expenses from Line 18 above	\$ <u>2,706.66</u>
c. Monthly net income (a. minus b.)	\$ <u>0.00</u>

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
Detailed Expense Attachment**Other Utility Expenditures:**

Cablevision	\$ <u>39.66</u>
Cellular Phone	\$ <u>39.66</u>
Total Other Utility Expenditures	\$ <u>79.32</u>

Other Expenditures:

Emergencies/Miscellaneous	\$ <u>25.00</u>
Personal Grooming	\$ <u>25.00</u>
Chapter 13 Plan Payment	\$ <u>1,749.00</u>
Total Other Expenditures	\$ <u>1,799.00</u>

CH. 13 PLAN - DEBTS SHEET
(MIDDLE DISTRICT - STEP PLAN)

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Retain	Creditor Name	Sch D #	Description of Collateral

ARREARAGE CLAIMS ON RETAINED COLLATERAL

Retain	Creditor Name	Sch D #	Arrearage Amount
	Citimortgage		\$2,275

LTD - DOF on PRINCIPAL RESIDENCE / OTHER REAL PROPERTY

Retain	Creditor Name	Sch D #	Mortgage Payment	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Citimortgage		\$1,226	n/a	n/a	\$1,226	
				n/a	n/a		
				n/a	n/a		

STD - SECURED DEBTS (Retain Collateral & Pay FMV Of Collateral)

Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				7.00			
				7.00			
				7.00			
				7.00			

STD - SECURED DEBTS & 910 CLAIMS (Pay 100%)

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Citifinancial		\$4,044	5.25	\$40	\$279	04 Ford F150
				7.00			
				7.00			
				7.00			
				7.00			

ATTORNEY FEES (Unpaid Part)

	Amount
Law Offices of John T. Orcutt, P.C.	\$250

SECURED TAXES

	Secured Amount
IRS Tax Liens	
Real Property Taxes on Retained Realty	

UNSECURED PRIORITY DEBTS

	Amount
IRS Taxes	
State Taxes	
Personal Property Taxes	
Alimony or Child Support Arrearage	

COSIGN PROTECT (Pay 100%)

Int.%	Payoff Amount
All Co-Sign Protect Debts (See***)	

GENERAL NON-PRIORITY UNSECURED

	Amount to Pay*
DMI = None(\$0)	

Other Miscellaneous Provisions

Date: 6/8/11

Lastname-SS#: Parker - 3274

SURRENDER COLLATERAL

Creditor Name	Description of Collateral

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

PROPOSED CHAPTER 13 PLAN

\$ 1749 /month for 16 months, then

\$ N/A /month for N/A months.**

Definitions

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Required monthly 'Adequate Protection' payment.

* = Minimum of DMI x ACP, minus all co-sign protect debt.

** = Plan duration is subject to "Duration of Chapter 13 Plan" provision.

*** Co-sign protect on all debts so designated on filed schedules D, E and F

Final_MD_Step (rev. 11/6/07) © Copyright by John T. Orcutt (Page 4 of 4)